

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMERICAN NATIONAL)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.
)	
RUTH A. WILDS and)	
JOAN L. GEIGER.)	
)	
Defendants.)	

COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF

Jurisdiction and Venue

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1335 and 2361. Venue is proper in this District pursuant to 28 U.S.C. § 1397.

The Parties

2. The Plaintiff is American National Insurance Company, a Texas corporation ("ANICO") with its principal place of business in Galveston, Texas .

3. Defendant Ruth A. Wilds resides at 213 Fourth Street, Crumpton. Maryland 21628.

4. Defendant Joan L. Geiger resides at 224 W. Roosevelt Avenue, New Castle, Delaware 19720.

Background

5. On June 18, 2003, Ruth L. Geiger purchased a Flexible Premium Deferred Annuity from ANICO. policy number 14377282 (the "Annuity"). At that time Ruth L. Geiger indicated the Annuity beneficiary as Joan L. Geiger.

Request Form indicating a change of beneficiary from Joan L. Geiger to Ruth A. Wilds (the "Beneficiary Change").

7. On or about December 15, 2005, a dispute arose as to whether the Beneficiary Change was or was not intended and effective. In accordance with the information available at the time, ANICO changed the beneficiary to Joan L. Geiger.

8. On January 11, 2006, Ruth L. Geiger died.

9. On or about January 18, 2006, Joan L. Geiger submitted a Request for Payment of Annuity Benefits (the "Geiger Claim").

10. On or about February 3, 2006, Ruth A. Wilds submitted a Request for Payment of Annuity Benefits (the "Wilds Claim").

11. ANICO admits liability under the Policy. However as a result of the Geiger Claim and the Wilds Claim, ANICO is subjected to the risk of multiple liability.

12. The value of the Policy as of April 5, 2006 was \$114,791.26.

INTERPLEADER

13. ANICO repeats and re-alleges paragraphs 1 through 12 as though fully set forth herein.

14. Pursuant to 28 U.S.C. § 1335, the following conditions are necessary to maintain an interpleader:

- a. amount in controversy in excess of \$500.00;
- b. two or more adverse claimants of diverse citizenship claiming entitlement to the benefits arising by virtue of a policy; and
- c. the plaintiff has deposited the value of the policy with the registry of the court;

15. Each condition is satisfied in this case. The amount in controversy is in

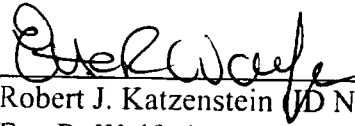
excess of \$500.00. Joan L. Geiger is a resident of Delaware. Ruth A. Wilds is a resident of Maryland. The Policy issued by ANICO is the subject of the Geiger Claim and the Wilds Claim. ANICO, contemporaneously herewith, has requested an order permitting it to deposit the value of the Policy in an interest bearing account with the Court. Moreover, ANICO has no interest in the subject matter of the dispute between Joan L. Geiger and Ruth A. Wilds.

WHEREFORE, ANICO requests that the Court enter an Order:

- a. Restraining each defendant from instituting any action against ANICO for the recovery of the amount of the Policy or any part thereof;
- b. Requiring all defendants to litigate in this action any rights to the funds interplead herein;
- c. Discharging ANICO from all liability arising out of or related to the Policy; and

- d. Granting ANICO its costs in instituting this action.

SMITH, KATZENSTEIN & FURLOW LLP

A handwritten signature in black ink, appearing to read "Etta R. Wolfe", is written over a horizontal line.

Robert J. Katzenstein (ID No. 378)

Etta R. Wolfe (ID No. 4164)

800 Delaware Avenue, 7th Floor

P. O. Box 410

Wilmington, DE 19899-0410

Telephone (302) 652-8400

Facsimile (302) 652-8405

Attorneys for Professional Underwriters

Liability Insurance Company

Dated: April 10, 2006

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

American National Insurance Company

DEFENDANTS

Ruth A. Wilds
Joan L. Geiger(b) County of Residence of First Listed Plaintiff Galveston Co., Texas
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Queen Anne Co., MD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Etta R. Wolfe
Smith Katzenstein & Furlow LLP
P.O. Box 410
Wilmington, DE 19899 302-652-8400

Attorneys (If Known)

Bradley McFee, Sr. John F. Brady
608 Baltimore Ave. P.O. Box 742
Towson, MD 21204 Georgetown, DE 19947

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☒ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☒ 2 DEF Incorporated and Principal Place of Business In Another State ☒ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Complaint for interpleader and declaratory relief pursuant to 28 U.S.C. 1335 and 2361.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

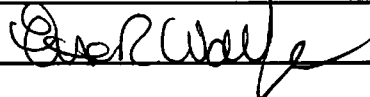
(See instructions):

JUDGE

DOCKET NUMBER

DATE 4/10/06
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 237

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

4/10/06

(Date forms issued)

Joe A. Salters

(Signature of Party or their Representative)

Joe S. Salters

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action